

**Court Improvement Project Committee
(Unofficial until approved)**

Minutes

August 21, 2015
10 a.m. to 12p.m.
Bismarck, ND

Present

Judge Laurie Fontaine, Chair
Shari Doe
Karen Kringlie
Dale Rivard
Connie Portscheller
Donna Wonderlich
Judge Todd Cresap

Absent

Robin Huseby
Judge David Reich
Scott Davis

Guests

Shawn Peterson, Unit 1 Juvenile Director
Brad Swenson, Director of North Dakota Guardian ad Litem Program
Nicole Leitner, Juvenile Court Officer ECJD
Mark Sayler, Chief Agent, Bureau of Criminal Investigation

Staff

Lee Ann Barnhardt
Scott Johnson
Heather Traynor (scribe)
Katheryne Korom

Welcome and Introductions

Judge Laurie Fontaine called the meeting to order. Judge Fontaine introduced herself and welcomed the committee.

Recognition of CIP Dates of Service

Judge Fontaine presented Catherine Palsgraaf with a certificate of recognition for her years of service to the Court Improvement Project. Scott Johnson recognized Ms.Palsgraaf's four years of service to the CIP program and noted the importance of Ms.Palsgraaf's work for the CIP in

helping the children and families of North Dakota. Ms. Palsgraaf thanked the CIP Committee Members and guests.

Approval of February 20, 2015 meeting minutes

Judge Fontaine asked if there were any comments or changes to the February 20, 2015 minutes. After no comment, **a motion was made by Dale Rivard to approve the February 20, 2015 minutes. The motion was seconded by Donna Wunderlich, the motion carried.**

Introduction of QA Specialist

Scott Johnson introduced Katheryne Korom, the new CIP Committee Quality Assurance Specialist. Ms. Korom began her work in June, 2015. Ms. Korom has worked for the University of North Dakota Bureau of Governmental Affairs and has substantial experience in research.

Ms. Korom and Heather Traynor have traveled to each Unit to meet with the Juvenile Directors to discuss the caseload of the directors and juvenile court officers in relation to Deprivation and guardianship cases. Ms. Korom has also discussed with each director the reports they run in Odyssey on a daily and weekly basis.

Ms. Korom explained she is currently working on a court observation project and is developing observation instruments for various hearings. Ms. Korom stated she has been attending deprivation and termination of parental rights hearings throughout the state including a visit to Napoleon. She has also been observing court hearings through audio recordings and noted there have been difficulties accessing audio recordings in some areas. Judge Fontaine asked what the issues attaining the recordings have been. Ms. Korom reported the recordings are saved differently in each area. Ideally there would be a session number for each hearing but currently it is different by district.

Review and Update of 5-year CIP Strategic Plan

Heather Traynor welcomed comments and questions for the 2015 Strategic Plan. Ms. Traynor reported the plan is due August 31st and all comments should be submitted before the final due date. All updates were made in red to both the strategic plan and the attachment.

Ms. Traynor noted in the Implementation of Continuous Quality Improvement portion of the strategic plan, the previous fiscal year looked at a sample of 10% of cases. The 2014 fiscal year looked at 100% of Deprivation and Termination of Parental Rights cases. In previous years the Strategic plan did not include information on parent representation. The strategic plan for Fiscal Year 2015 will include parent representation using the data from the Court Observation Project. Lee Ann Barnhardt asked how often the court observation reports will be distributed. Ms. Korom stated she is currently looking at completing an annual report but the data is being compiled on a quarterly basis and once the instruments are complete there will be a quarterly update sent out to interested parties.

Ms. Traynor suggested that the CIP begin to review due process and fairness measures of Deprivation and TPR cases. She stated it is a portion of the strategic plan that has not been measured in the past. This would include working with each district to review and develop a methodology for future implementation of quality legal representation of children and parents. Judge Fontaine asked if the quality assurance portion of parent representation is looking at a representative sample or all cases. Ms. Korom stated she is currently looking at a sample of 10% for court observation.

Scott Johnson noted on page fourteen of the Strategic Plan that a project for the upcoming year should be beginning a dialogue and reviewing electronic data sharing with the Department of Human Services. The goal is to reactivate the Data subcommittee to begin a conversation on data sharing between the courts and human services.

Discussion of CIP Conference with Focus on Trafficking and Child Welfare

Mr. Johnson updated the committee on the National Convening on Child Welfare conference with a focus on Human Trafficking. The conference addressed human trafficking from the court perspective and Children's Bureau's perspective in a comprehensive way. The conference attendees developed a National Convening on Child Welfare Team Meeting Action Plan. All copies were given to committee members. The number one overarching goal of the action plan is coordination and collaboration on the topic of Trafficking. The second pressing issue is the identification and assessment of trafficked children. The third issue is focused on training. The lay GALs were provided with training on Human Trafficking at their workshop in July.

Judge Fontaine commented on the abundance of information provided at the conference. It was noted that since Law Enforcement and Social workers are the first to come into contact with the suspected trafficked children that they are the individuals who need extensive training. Judge Fontaine stated she was interested in the computer applications available in other states. These apps are available for individuals to access on their phone and allow them to search for available shelters and beds for victims of human trafficking. Developing a similar app in North Dakota could be beneficial for victims.

Mark Sayler updated the committee on the Attorney General Human Trafficking Commission. The last Legislative session authorized the Attorney General's office to form a human trafficking commission. A list of the commission members appointed by the AG was given to the meeting members. Judge Robin Schmidt was appointed a member of the trafficking commission to represent the courts. The first commission meeting will be on August 31, 2015. Mr. Sayler also noted that Law Enforcement officers were trained on Human Trafficking awareness and indicators within the last couple of months.

Shari Doe commented that the resources given at national conference will be helpful for North Dakota. Ms. Doe stated that she and her staff, along with Lee Ann Barnhardt are working on providing training on Human Trafficking in four cities throughout the state.

Update Red River Regional Response team/Project Fuse

Nicole Leitner stated that the protocol for the Red River Response Team has been finalized but remains in draft form so it can be continuously updated. The draft will be provided to service providers, law enforcement and social services to help assist with specific protocol on the steps to take when working with a suspected or confirmed victim of human trafficking. The tool is available and approved for anyone wishing to have a copy.

A Fuse meeting is taking place on September 25th and 25th to focus on strategic planning with a focus on a united effort with the Attorney General's office. Ms. Leitner noted that she has put together a PowerPoint for Fuse and Christina Sambor from Fuse is to contact Ms. Barnhardt to work with Supreme Court. Fuse is hoping to have a three live webinars with a recording as well. The goal is to get the word out to mandated reporters that human trafficking falls under deprivation in the case of suspicion and reporting.

Ms. Leitner reported that Fuse along with the Red River Response team applied for a grant to fund Navigator positions in the state of North Dakota. The goal would be to have the navigators be a point of contact and subject matter expert on human trafficking. The Navigators would be placed in Fargo and Minot and would be available to provide resources and answer questions. There will also be a grant partnership between BCI and various service providers. Youthworks, the Boys and Girls club and the three affiliated Tribes will focus on the LGBTQ community and Native American children. CAWS will be the fiscal agent for the grants. Mr. Johnson asked if the group was looking at risk and needs assessment tools. Ms. Leitner said the tools are on the agenda to discuss with Fuse. Ms. Doe asked Ms. Leitner if the Red River Response team already has an assessment tool. Ms. Leitner stated they are working toward having one in the near future.

Update on Capacity Building Centers

Mr. Johnson noted there are three areas of the Capacity Building Centers. The three areas are State, Tribe and Courts. The CIP now has a representative for Courts. Andrew Yost is the Capacity Building Center for Courts Liaison and is a resource for the courts to ask questions of. The Capacity Building Centers are currently building an online platform called Capshare. This will provide online training for interested parties and resources will be available for the courts to utilize. The centers have created CQI Quick sheets which Scott will be sent to the committee for review.

ICWA Audit Update

Ms. Traynor updated the committee on the current ICWA Audit. The UND research team is about half way through the second year of cases. Generally, trends are continuing as reported in year one. There is little use of Qualified Expert Witnesses reported at the time of removal or termination, few clear indications of placement preference, but strong in areas of notice for all parties. It appears Active Efforts findings are frequently showing up in the second audit.

Ms. Traynor shared with the committee an ICWA related grant opportunity. The funding will be granted to four applicants competitively and each site awarded the grant will need to develop a project that monitors compliance with notice, tribal participation, interventions, transfers, placement preference and identification. The project would also need to measure outcomes and be collaboratively designed to include the CIP, Court, child welfare and tribes. If the grant were awarded it could potentially fund the next phase of efforts, including hiring trainers to work with Qualified Expert Witnesses. The current audit team at UND would be the lead in writing and administering the grant. She asked that the committee be aware of the opportunity and that it will be discussed at future committee meetings.

Discussion on Public Law 113-183

Shari Doe provided an overview of Public Law 113-183. Ms. Doe reported the Child welfare community is developing Human trafficking policies in relation to services and prevention for children in foster care. It was noted that the new law along with the policies will go into effect on September 29th. Shari pointed out Section 112 of the public law, Another Planned Permanent Living Arrangement (APPLA). The new law is effective to date and states that a finding of APPLA cannot be used for children under 16. The North Dakota Century Code was changed in August to reflect the public law APPLA language.

Ms. Doe reported that children fourteen and older can now bring two individuals of their choosing with them to their planning meetings and to court hearings for support. Karen Kringlie asked if the new law changes and information have been spread statewide to Social Services. Ms. Doe stated that it has been a process providing workers with the abundance of information but Children and Family Services is working on providing each region with the updated information. Ms. Kringlie stated they had a hearing in August and SS did not bring the child to the hearing.

GAL Sub-Committee – Shawn Peterson, Char.

Shawn Peterson reported that the GAL Sub-committee met in April and July, 2015. Items discussed at the past meetings included Guardianship case protocol and program cost saving measures. Mr. Peterson noted that a workgroup has been formed with the goal of reviewing and updating the lay GAL training manual. The workgroup consists of GAL sub-committee members and a lay GAL. Updates to the manual will be made including adding an electronic version with links to current statute, rules and policies. A meeting has been scheduled for September 14th to discuss more sections of the manual.

A workshop was provided for the lay GALs in July. The workshop provided presentations on human trafficking, ethics and drug recognition. There was also a discussion led by current lay GALs on private guardianship cases.

Brad Swenson reported on the cost saving measures and budget for the GAL program. Mr. Swenson stated within the last biennium the program was \$137,000 over budget. Within the last

two years attempts have been made to contain the costs of the program, including an adjusted travel reimbursement policy and close watch of reported lay GAL hours. He noted the current policy has been at minimum, that the guardian is to have contact once a month with child, family and care providers. Any contact above the minimum suggested has been up to the guardian. Over the last six months discussion over the budget and meeting budget has been top priority for the new fiscal year and the biennium. The initial cost saving plan was to hire four fulltime lay GALs in each unit supported by part time staff in district offices. Mr. Swenson discussed this plan with the lay GALs and looked at the estimated hours. It was determined that the caseload for full time staff would be overwhelming and there would not be enough available hours in some districts.

In an attempt to address the current budget Mr. Swenson noted the guardian's monitoring hours were suspended for the month of July and into August. Monitoring is currently limited on a case by cases basis.

The current plan is to continue with part time staff with a focus on best practice hours. To establish the number of hours per month the guardians are to use, Mr. Swenson and his colleagues averaged the number of cases and hours the guardians reported over the last four years. He reported that along with a limited number of hours provided to the lay GALs, the goal is to also define monitoring with a greater clarity for the guardians. An example of limiting monitoring would be to review meeting reports instead of attending the family team meetings in person. Mr. Johnson asked Mr. Swenson if there was an implementation date for the current plan. Brad noted that he is traveling to the district offices around the state and an implementation date is scheduled for September 1st, 2015. Mr. Johnson asked if once Mr. Swenson was done with his travel if there would be a concrete summary of the program changes for distribution. Mr. Swenson stated that he is currently working on a summary and hopes to receive feedback from the lay GALs once the new program is up and running.

ICWA Sub-Committee – Judge Todd Cresap and Connie Portcheller, Co-Chars. Heather Traynor reported for Judge Reich and Connie Portscheller.

Ms. Traynor reported that the subcommittee met in April. Since then the first ICWA Audit and ICWA Recommendations Action Plan was presented to the Administrative council in May. The council approved the audit and it has been sent to the state library for publication. The ICWA Subcommittee will be meeting again in September to talk about implementation of action plan. Mr. Johnson noted that the Administrative Council was receptive to the action plan and is looking forward to hearing about the CIP and Subcommittee efforts in the future.

Ms. Doe asked if there has been any work in regards to the new ICWA guidelines that were published. Ms. Traynor commented that she is working on updating the bench card and also a best practice insert for the bench book. Mr. Johnson mentioned that the Juvenile Directors have been updating their staff on the new guidelines in the units. Ms. Kringlie has reviewed the guideline changes with her staff and there is also a link to the guidelines in the best practice manual. Ms. Kringlie recently tried to examine the tribes her unit had the most interaction with. While a report can be pulled from Odyssey, it cannot be narrowed down by tribe. The report is

limited to a report of all ICWA flagged cases. To find individual tribes it needs to be counted by hand. She suggested forwarding the information to the Odyssey user to group to see if there could be a way to create a report to look at tribal affiliation.

Education Sub-Committee – Judge David Reich, Chair.

Lee Ann Barnhardt reported that Judge Thorne and Judge Edwards will be presenting at the Judicial Conference in November to do an overview of the new ICWA guidelines. Ms. Barnhardt sent the ICWA audit to Judge Thorne and Judge Edwards to review and would like the Subcommittee and Ms. Traynor to work with Judges and discuss with them the compliance issues in North Dakota. Tom Lidote, a professor with Native Star, is going to be moderator for the group during the plenary session. The ICWA Subcommittee members are welcome to join the workshop portion of the conference to discuss QEW and Active Efforts issues.

ICWA sessions were presented at the Children and Family Services conference in July. Ms. Barnhardt stated that the Education Subcommittee has taken on a role of supporting others as well as offering their own training sessions. Currently they are working with the CAC in Fargo to help supplement the training they provide once a year. The training is focused around investigation and forensic interviews and how it ties into what the court needs to make their findings.

Online training was provided to the referees on Public Law 113-183. Ms. Doe joined the training to discuss the law changes. Ms. Barnhardt stated she and the planning committee is currently working on the upcoming 2016 Children's Justice Symposium and welcomes ideas and suggestions for subject matter. It was reported that the Children and Family Services Foster Care Requirements Hardcard will be distributed soon after they are printed. She also noted that the District Trial Court Bench book will be updated this fall.

Data Collection Sub-Committee – Karen Kringlie, Chair.

Currently the committee is working on rescheduled hearings reports that are completed in Odyssey. Last fall it was found that many schedulers were making mistakes by right clicking and deleting hearings. Due to mistakes there was no way to accurately track continuances or resets because events were being deleted. A fourteen minute training on how to record a hearing was created and is available on the admin sight for schedulers. This was sent by Unit Court Administrators to all scheduling staff. Administration staff in all units was required to complete the training by March 11th, 2015.

Ms. Kringlie reported on the continuance report results for the month of June. In June 3% of all hearings were deleted post training. 73% Juvenile deprived and TPR hearings were held as scheduled, only 4% were continued and 3% were rescheduled. For most continuances in June the reasons given were the attorney was just assigned and therefor unable to proceed. The vast majority of hearings are taking place as they are originally scheduled.

The next item the sub-committee will be looking at is coordinating data exchange with the Department of Human Services.

Next 2015 meeting dates

November 20, 2015 from 10a.m.-12 p.m. – Bismarck & Grand Forks IVN

February – To be determined – Will be scheduled around ICWA Conference

May 6, 2016 from 10 a.m.-12 p.m. – Bismarck & Grand Forks IVN

August 19, 2016 from 10 a.m.-12 p.m. – Bismarck & Grand Forks IVN

November 18, 2016 from 10 a.m.-12 p.m. – Bismarck & Grand Forks IVN

A motion was made by Donna Wonderlich to adjourn the meeting. The motion was seconded by Shari Doe, motion carried.